

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

DENNIS D. COULSON

Claimant

VS.

MARRIOTT INTERNATIONAL, INC.

Respondent

Self-Insured

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Docket No. 199,253

ORDER

The respondent and insurance carrier request review of the Preliminary Hearing Order of Administrative Law Judge Nelsonna Potts Barnes entered in this proceeding on April 28, 1995.

ISSUES

The Administrative Law Judge found that claimant sustained personal injury by accident arising out of and in the course of his employment with respondent on February 17, 1995. The respondent and insurance carrier now request review of that finding.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

For purposes of preliminary hearing, the Appeals Board finds as follows:

The preliminary findings of the Administrative Law Judge should be affirmed. Both the testimony and medical records indicate claimant hurt his back at work on February 17, 1995, while moving a rollaway bed up a flight of stairs. Within twenty-four (24) hours of the incident, claimant told supervisory personnel and a co-worker that he had hurt his back and requested the co-worker to substitute for him on his next scheduled shift. On February 22, 1995, claimant sought treatment from Robert Eyster, M.D., an orthopedic surgeon, and

gave Dr. Eyster and his staff a history of injuring his back while moving the rollaway bed.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Preliminary Hearing Order of Administrative Law Judge Nelsonna Potts Barnes dated April 28, 1995, should be, and hereby is, affirmed.

IT IS SO ORDERED.

Dated this ____ day of July 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Timothy J. King, Wichita, Kansas
D. Steven Marsh, Wichita, Kansas
Nelsonna Potts Barnes, Administrative Law Judge
David A. Shufelt, Acting Director